

RECEIVED  
CENTRAL FAX CENTER

001/007

DEC 09 2004

Atty Docket No. 022101-000800US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Bradley L. Sisson

Group Art Unit 1634

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Bradley L. Sisson**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of Kessler, et al., Application No. 09/530,929, filed May 4, 2000 for SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. PETITION TO WITHDRAW HOLDING OF ABANDONMENT w/copies of return postcard and previously submitted Transmittal Form, Fee Transmittal and Notice of Appeal.

Number of pages being transmitted, including this page: **7**

Dated: December 9, 2004

  
Malinda C. Dagit

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

vi

RECEIVED  
CENTRAL FAX CENTER

DEC 09 2004

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-703-872-9306 on 9 Dec 2004

PATENT  
Attorney Docket No.: 022101-000800US  
Client Ref. No.: 18676 US-RA

TOWNSEND and TOWNSEND and CREW LLP

By: Melinda Dofit

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kessler, et al.

Application No.: 09/530,929

Filed: May 4, 2000

For: SPECIFIC AND SENSITIVE  
NUCLEIC ACID DETECTION  
METHOD

Customer No.: 41504

Confirmation No.

Examiner: Bradley L. Sisson

Technology Center/Art Unit: 1634

PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Abandonment mailed November 24, 2004, indicating the above-identified application has been abandoned for failure to respond to the Office Communication mailed May 19, 2004. Applicants respectfully request withdrawal of the holding of abandonment because a Notice of Appeal with a fee authorization for a three month extension of time was filed on November 18, 2004. The holding of abandonment is therefore incorrect. Enclosed herewith are:

Appl. No. 09/530,929  
Petition to Withdraw Holding of Abandonment  
dated December 9, 2004

PATENT

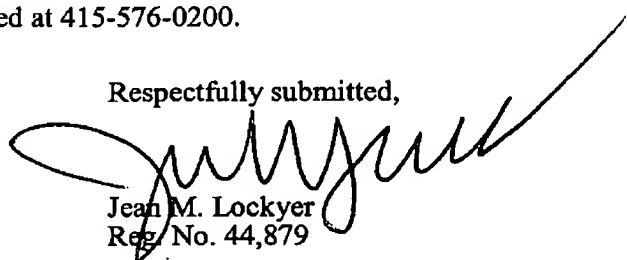
1. A copy of the date-stamped, return postcard sent with the Notice of Appeal and accompanying documents, mailed for filing via First Class Mail on November 18, 2004, showing receipt by the PTO on November 22, 2004.

2. A copy of the Notice of Appeal, with the transmittal and fee authorization mailed for filing on November 18, 2004.

Applicants received an Office Communication (a final Office Action that had been mailed from the USPTO on May 19, 2004. On November 18, 2004, Applicants filed an appropriate response, a Notice of Appeal with an accompanying fee authorization for a three month extension of time and the fee for the Notice of Appeal. A return receipt postcard was also filed with the response. The postcard has a date stamp of November 22, 2004, showing receipt of the documents by the Patent and Trademark Office. In addition, the Transmittal sheet for the response has a signed and dated first class certificate of mailing, showing that it was mailed on November 18, 2004. Applicants therefore responded to the Office Communication in an appropriate and timely manner.

In view of the foregoing, Applicants respectfully request withdrawal of the holding of abandonment. If a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
JML:jml  
80369521 v1

RECEIVED  
CENTRAL FAX CENTER

DEC 09 2004



DEC 09 2004



RECEIVED  
NOV 29 AM 9:17  
TOWNSEND & TOWNSEND  
& CREW

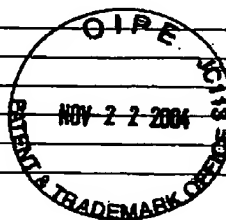
LAW OFFICES  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-5834

© USPS 2002 recycled

TO THE U.S. PATENT AND TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s) and return this card to us:

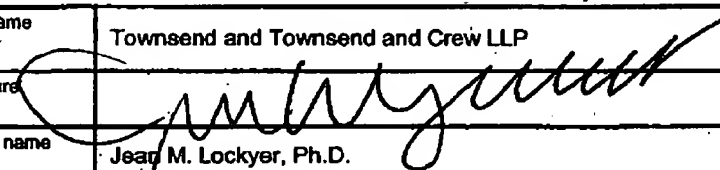
INVENTOR(S):	Christoph Kessler <i>et al.</i>
RE:	PATENT APPLICATION FILED 5/4/2000 FOR "SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD"
TITLE OF DOCUMENT(S):	Notice of Appeal; Fee Transmittal PTO/SB/17 for 3-mo. ext. and Notice of Appeal @\$1320 (orig.+1); Transmittal Form PTO/SB/21.
Application No.	09/530,929
File No.	022101-0008-00US
Date Due	19 Nov. 2004
Date Mailed	18 Nov. 2004
Attorney/Secretary	JML/mcd

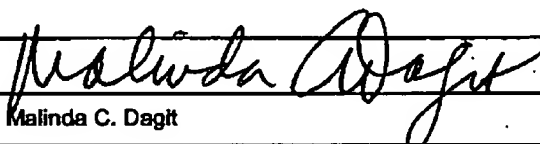


PTO/SB/21 (09-04)

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/530,829	
	Filing Date	May 4, 2000	
	First Named Inventor	KESSLER, Christoph	
	Art Unit	1634	
	Examiner Name	Bradley L. Sisson	
Total Number of Pages In This Submission	4	Attorney Docket Number	022101-000800US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form-In duplicate <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request- 3 mo. per accompanying Fee Transmittal <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Jean M. Lockyer, Ph.D.		
Date	November 18, 2004	Reg. No.	44,879

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Malinda C. Dagit	Date 18 Nov. 2004

v

PTO/SB/17 (10-04)

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1320

## Complete if Known

Application Number	09/530,929
Filing Date	May 4, 2000
First Named Inventor	KESSLER, Christoph
Examiner Name	Bradley L. Sisson
Art Unit	1634
Attorney Docket No.	022101-000800US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1083	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	880	2253	480	Extension for reply within third month	980
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	340
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	960	2503	330	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify):

\*Reduced by Basic Filing Fee Paid: SUBTOTAL (3)

(\$1320)

## SUBMITTED BY

Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,579	Telephone	415-576-0200
Signature				Date	November 18, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.